

for the fiscal year is published by the NRC. If the NRC is unable to publish a final fee rule that becomes effective during the current fiscal year, then fees would be assessed based on the rates in effect for the previous fiscal year.

[63 FR 31857, June 10, 1998]

§ 171.15 Annual Fees: Reactor operating licenses.

(a) Each person licensed to operate a power, test, or research reactor shall pay the annual fee for each unit for which the person holds an operating license at any time during the Federal FY in which the fee is due, except for those test and research reactors exempted in § 171.11 (a)(1) and (a)(2).

(b) The FY 1998 annual fee for each operating power reactor which must be collected by September 30, 1998, is \$2,976,000. This fee has been determined by adjusting the FY 1997 annual fee, (prior to rounding) downward by about 0.1 percent. In the FY 1995 final rule, the NRC stated it would stabilize annual fees by adjusting the annual fees only by the percentage change (plus or minus) in NRC's total budget authority and adjustments based on changes in 10 CFR Part 170 fees as well as on the number of licensees paying the fees. The first adjustment to the annual fees using this method occurred in FY 1996 when all annual fees were decreased 6.5 percent below the FY 1995 annual fees. The FY 1997 annual fees were also determined by using this method. The FY 1997 annual fees increased 8.4 percent above the FY 1996 annual fees. The FY 1995 annual fee was comprised of a base annual fee and an additional charge (surcharge). The activities comprising the base FY 1995 annual fee are as follows:

(1) Power reactor safety and safeguards regulation except licensing and inspection activities recovered under Part 170 of this chapter.

(2) Research activities directly related to the regulation of power reactors.

(3) Generic activities required largely for NRC to regulate power reactors, e.g., updating part 50 of this chapter, or operating the Incident Response Center.

(c) The activities comprising the FY 1995 surcharge are as follows:

(1) Activities not attributable to an existing NRC licensee or class of licensees; e.g., reviews submitted by other government agencies (e.g., DOE) that do not result in a license or are not associated with a license; international cooperative safety program and international safeguards activities; low-level waste disposal generic activities; uranium enrichment generic activities.

(2) Activities not currently assessed under 10 CFR Part 170 licensing and inspection fees based on existing Commission policy, e.g., reviews and inspections conducted of nonprofit educational institutions, and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act.

(3) The FY 1991 surcharge to be added to each operating power reactor is \$266,000. This amount is calculated by dividing the total cost for these activities (\$29.0 million) by the number of operating power reactors (109).

(4) The FY 1992 surcharge to be added to each operating power reactor is \$281,000. This amount is calculated by dividing the total cost for these activities (\$30.6 million) by the number of operating power reactors (109).

(d) [Reserved]

(e) The FY 1998 annual fees for licensees authorized to operate a nonpower (test and research) reactor licensed under Part 50 of this chapter, except for those reactors exempted from fees under § 171.11(a), are as follows:

Research reactor	\$57,300
Test reactor	\$57,300

(f) For each fiscal year, annual fees for operating reactors will be calculated and assessed in accordance with § 171.13.

[56 FR 31506, July 10, 1991; 56 FR 37828, Aug. 9, 1991; 57 FR 32714, July 23, 1992; 58 FR 38695, July 20, 1993; 59 FR 26098, May 19, 1994; 59 FR 36924, July 20, 1994; 60 FR 32244, June 20, 1995; 61 FR 16220, Apr. 12, 1996; 62 FR 29213, May 29, 1997; 63 FR 31857, June 10, 1998]